

REMARKS

This is a response to the Office Action dated 09/16/02. The numbered paragraphs below correspond to the Examiner's numbered paragraphs.

1. The Examiner objected to Claims 2-4 under 37 CFR 1.75(c), as failing to further limit the subject matter of a previous claim. The Applicant respectfully disagrees. Regarding Claim 2, it limits a medical device recited in Claim 1 to a stent. Regarding Claim 3, it limits a drug which is a part of a coating recited in Claim 1 to "a light-sensitive drug or a UV-radiation sensitive drug." Regarding Claim 4, it further limits a light-sensitive drug recited in Claim 3 to "actymicin D, paclitaxel, or vincristine." Accordingly, it is submitted that Claims 2-4 are in a proper form. Withdrawal of the objection is respectfully requested.

3. Claims 1-3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kanikanti et al. (U.S. Patent No. 5,900,425). Claim 1 has been canceled. Claims 2 and 3 depend on allowable Claim 5. Accordingly, Claim 2 and 3 are patentably allowable over Kanikanti et al. Withdrawal of the rejection is respectfully requested.

4. Claims 12-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sarkis et al. (U.S. Patent No. 5,921,933). Claims 12 and 13 have been canceled. Claim 14 depends on allowable Claim 5. Accordingly, Claim 14 is patentably allowable over Kanikanti et al. Withdrawal of the rejection is respectfully requested.

6. Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kanikarti et al. in view of Sinclair et al. (U.S. Patent No. 5,760,118). Claim 11 depends on allowable Claim 5 and is accordingly patentably allowable over Kanikarti et al. in view of Sinclair et al. for at least the reason of its dependency. Withdrawal of the rejection with respect to Claim 11 is respectfully requested.

7. Claims 5, 9, 10 and 15 have been amended as suggested by the Examiner. Claims 6-8 depend from Claim 5. Claims 16-24 depend from Claim 15. It is submitted that Claims 5-10 and 15-24 are allowable.

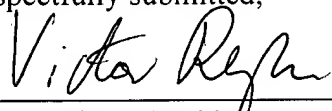
CONCLUSION

Claims 2-11 and 14-24 are pending in this application. Examination and allowance of the claims is respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned at (415) 954-0349.

Date: December 19, 2002

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 954-0200
Facsimile (415) 391-2493

Respectfully submitted,



Victor Repkin
Attorney for Applicants
Reg. No. 45,039

A

Version With Markings to Show Changes Made

In the Claims:

Please amend Claims as indicated below.

Please cancel Claims 1, 12, and 13 without prejudice.

2. (Amended) The coating as claimed in Claim 5[1], wherein the [said] medical device is a stent.

3. (Amended) The coating as claimed in Claim 5[1], wherein the [said] drug is a light-sensitive drug or a UV-radiation sensitive drug.

4. (Amended) The coating as claimed in Claim 3, wherein the [said] light-sensitive drug comprises actymicin D, paclitaxel, or vincristine.

5. (Amended) A [The] coating [as claimed in Claim 1, further comprising] for a medical device, the coating having increased resistance to light and/or UV-radiation, the coating comprising:

(a) a drug-polymer layer containing a drug;

(b) a light- and/or UV-protective compound included in the coating; and

(c) a topcoat layer disposed upon the [said] drug-polymer layer.

6. (Amended) The coating as claimed in Claim 5, wherein the [said] light- and/or UV-protective compound is dispersed within the [said] topcoat layer.

7. (Amended) The coating as claimed in Claim 6, wherein the [said] light- and/or UV-protective compound is further dispersed within the [said] drug-polymer layer.

8. (Amended) The coating as claimed in Claim 5, further comprising a film-forming polymer layer disposed on the [said] topcoat layer, wherein the [said] light- and/or UV-protective compound is dispersed in the [said] film-forming polymer layer.

9. (Amended) A [The] coating [as claimed in Claim 1,] for a medical device, the coating having increased resistance to light and/or UV-radiation, the coating comprising:

A

(a) a drug-polymer layer containing a drug;

(b) a light- and/or UV-protective compound included in the coating,

wherein the [said] light- and/or UV-protective compound is dispersed within the [said] drug-polymer layer.

10. (Amended) A [The] coating [as claimed in Claim 1, further comprising] for a medical device, the coating having increased resistance to light and/or UV-radiation, the coating comprising:

(a) a drug-polymer layer containing a drug;

(b) a primer polymer layer deposited between a surface of the [said] medical device and the [said] drug-polymer layer; and

(c) a light- and/or UV-protective compound included in the coating.

11. (Amended) The coating as claimed in Claim 5[1], wherein the [said] light- and/or UV-protective compound comprises carbon black or gold.

14. (Amended) The method as claimed in Claim 5[12], wherein the [said] medical device is a stent.

15. (Amended) A [The] method [as claimed in Claim 12] for fabricating a medical article, the method comprising forming a coating onto a medical device, wherein the [said] coating comprises a drug-polymer layer containing a drug, and a [included into said drug-polymer layer, wherein said] light- and/or UV-protective substance [is] incorporated into the [said] coating.

16. (Amended) The method as claimed in Claim 15, wherein the [said] drug is a light-sensitive drug or a UV-radiation sensitive drug.

17. (Amended) The method as claimed in Claim 16, wherein the [said] light-sensitive drug comprises actymicin D, paclitaxel, or vincristine.

18. (Amended) The method as claimed in Claim 15, further comprising a topcoat layer disposed upon the [said] drug-polymer layer.

19. (Amended) The method as claimed in Claim 18, further comprising a film-forming polymer layer disposed upon the [said] topcoat layer, wherein the [said] light- and/or UV-protective substance is dispersed in the [said] film-forming polymer.

20. (Amended) The method as claimed in Claim 18, wherein the [said] light- and/or UV-protective substance is dispersed within the [said] topcoat layer.

21. (Amended) The method as claimed in Claim 20, wherein the [said] light- and/or UV-protective substance is further dispersed within the [said] drug-polymer layer.

22. (Amended) The method as claimed in Claim 15, wherein the [said] light- and/or UV-protective substance is dispersed within the [said] drug-polymer layer.

23. (Amended) The method as claimed in Claim 15, further comprising a primer polymer layer deposited between a surface of the [said] medical device and the [said] drug-polymer.

24. (Amended) The method as claimed in Claim 15, wherein the [said] light- and/or UV-protective substance comprises carbon black or gold.